

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:10-cr-00279-MO-1

v.

OPINION AND ORDER

ANTONIO BUSTOS,

Defendant.

MOSMAN, J.,

On December 19, 2012, Defendant (“Mr. Bustos”) pled guilty and was sentenced to 180 months in prison for one count of Conspiracy to Distribute and Possess with Intent to Distribute Methamphetamine. J. & Commitment [ECF 136] at 1-2. He filed a Motion to Reduce Sentence on March 4, 2019. [ECF 157]. Mr. Bustos’s motion originally made two requests of this court: (1) a hearing for supplemental findings on the drug quantity underlying his conviction, and (2) a letter from the court to the Federal Bureau of Prisons in support of a transfer for Mr. Bustos. Def. Br. [ECF 167] at 1. In its response, the government provided lab reports that showed the exact amounts of drugs that had been found on Mr. Bustos’s person. Gov’t. Resp. Ex. 1-8 [ECF 173-1].

Mr. Bustos acknowledged in his reply brief that the amount of methamphetamine listed in the lab reports exceeded the threshold that would have allowed him relief under 18 U.S.C.

§ 3582(c)(2). Def. Reply [ECF 174] at 2. He then withdrew his request for an evidentiary hearing but maintained that he had possessed fewer drugs than the reports indicated. *Id.*

Mr. Bustos also withdrew his request for a letter in support of a transfer, as he has been transferred to a more amenable location during the course of the briefing on this motion. Def. Reply [174] at 3.

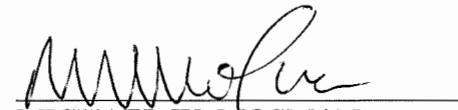
The court agrees with Mr. Bustos that the government's lab reports show that the amount of methamphetamine found on Mr. Bustos's person exceeds the amount that would entitle him to relief. And in light of his withdrawn requests for an evidentiary hearing and a letter, I DENY Mr. Bustos's motion for a reduced sentence.

CONCLUSION

I DENY the Motion to Reduce Sentence [157] pursuant to 18 U.S.C. § 3582(c)(2) and DENY as moot Defendant's requests for an evidentiary hearing and a letter in support of a transfer.

IT IS SO ORDERED.

DATED this 30 day of December, 2019.



MICHAEL W. MOSMAN
United States District Judge